

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** Chair Kerry White, on April 1, 2015 at 3:00 PM, in Room 172 Capitol

#### **ROLL CALL**

##### **Members Present:**

Rep. Kerry White, Chair (R)  
Rep. Ed Lieser, Vice Chair (D)  
Rep. Gerald (Jerry) Bennett (R)  
Rep. Bob Brown (R)  
Rep. Virginia Court (D)  
Rep. Mary Ann Dunwell (D)  
Rep. Kelly Flynn (R)  
Rep. Theresa Manzella (R)  
Rep. Nate McConnell (D)  
Rep. Dale Mortensen (R)  
Rep. Mark Noland (R)  
Rep. Andrea Olsen (D)  
Rep. Ray L. Shaw (R)  
Rep. Scott Staffanson (R)  
Rep. Kathleen Williams (D)

**Members Excused:** Rep. Steve Fitzpatrick, Vice Chair (R)  
Rep. Zach Brown (D)  
Rep. Keith Regier (R)

**Members Absent:** None

**Staff Present:** Joe Kolman, Legislative Branch  
Sherri Row, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 387, 3/25/2015; SB 353, 3/25/2015; SB 354, 3/25/2015

Executive Action: SB 47; SB 329

00:00:12 Chairman White

**HEARING ON SB 387**

**Opening Statement by Sponsor:**

00:01:34 Sen. Cary Smith (R), SD 27, opened the hearing on SB 387, Revise water quality violation penalties.

00:05:56 Rep. Zach Brown arrived

**Proponents' Testimony:**

00:06:55 Dustin Stewart, Montana Building Industries Association (MBIA)

[EXHIBIT\(nah68a01\)](#)

00:10:32 Steve Wade, Montana Contractors Association

00:10:54 Mark Lambrecht, Treasure State Resource Industry Association

**Opponents' Testimony:**

00:11:22 Derf Johnson, Montana Environmental Information Center (MEIC)

00:14:18 Amy Seaman, Montana Audubon

**Informational Testimony:**

00:16:37 John Arrigo, Department of Environmental Quality (DEQ)

**Questions from Committee Members and Responses:**

00:18:32 Rep. Williams

00:19:12 Sen. Smith

00:19:35 Rep. Williams

00:20:38 John Arrigo, DEQ

00:21:16 Rep. Williams

00:21:35 John Arrigo, DEQ

00:21:40 Rep. Williams

00:21:50 John Arrigo, DEQ

00:21:59 Rep. Court

00:22:30 John Arrigo, DEQ

00:23:18 Rep. Court

00:23:33 John Arrigo, DEQ

00:23:57 Rep. Lieser

00:24:51 John Arrigo, DEQ

00:25:33 Rep. Lieser

00:26:01 John Arrigo, DEQ

00:26:45 Rep. Dunwell

00:27:16 John Arrigo, DEQ

00:28:26 Rep. Olsen

00:29:14 John Arrigo, DEQ

00:29:48 Rep. Olsen

00:30:04 John Arrigo, DEQ

00:30:50 Rep. Jerry Bennett

00:31:14 John Arrigo, DEQ

00:31:26 Rep. Jerry Bennett  
 00:31:46 John Arrigo, DEQ  
 00:32:10 Rep. Williams  
 00:33:50 Rep. Regier arrived  
 00:34:00 John Arrigo, DEQ  
 00:34:49 Rep. Williams  
 00:35:02 John Arrigo, DEQ  
 00:35:09 Rep. McConnell  
 00:35:38 Dustin Stewart, MBIA  
 00:36:48 Rep. McConnell  
 00:36:54 Dustin Stewart, MBIA  
 00:37:35 Rep. McConnell  
 00:37:57 Dustin Stewart, MBIA  
 00:38:16 Chairman White  
 00:38:42 Derf Johnson, MEIC  
 00:38:56 Chairman White  
 00:39:57 Amy Seaman, Montana Audubon

**Closing by Sponsor:**

00:40:24 Sen. Smith

**HEARING ON SB 353**

**Opening Statement by Sponsor:**

00:42:29 Sen. Rick Ripley (R), SD 10, opened the hearing on SB 353, Constitutional referendum to divert coal trust and create Build Montana program.

[EXHIBIT\(nah68a02\)](#)

[EXHIBIT\(nah68a03\)](#)

**Proponents' Testimony:**

00:52:44 Steve Wade, Montana Contractors Association  
 00:56:05 Darryl James, Montana Chapters of the American Institute of Architects,  
 American Society of Civil Engineers, Montana Society of Engineers

[EXHIBIT\(nah68a04\)](#)

00:59:47 Jay Skoog, American Council of Engineering Companies of Montana

[EXHIBIT\(nah68a05\)](#)

01:02:54 Tom Butler, Montana Highway Patrol  
 01:03:30 Glenn Oppel, Montana Chamber of Commerce  
 01:04:09 E. J. Redding, Roosevelt County  
 01:04:28 Mark Lambrecht, Treasure State Resource Industry Association  
 01:04:53 Riley Johnson, National Federation of Independent Business  
 01:05:06 Aimee Grmoljez, Arch Coal  
 01:06:35 Keith Allen, International Brotherhood of Electrical Workers Local 233

**Opponents' Testimony:**

01:07:12 Dan Villa, Office of the Governor  
 01:11:43 Hal Harper, self/Citizens Who Support the Montana Coal Tax Trust Fund  
 01:18:19 Vernar Bertelson, self

**EXHIBIT(nah68a06)**

01:25:15 Erik Burke, MEA-MFT  
 01:27:12 Jake Brown, Montana Public Interest Research Group  
 01:27:58 Jim Jensen, Montana Environmental Information Center (MEIC)  
 01:33:45 Shelbi Dantic, Montana Conservation Voters

**Informational Testimony:**

01:35:13 Cathy Duncan, Legislative Fiscal Division (LFD)  
 01:35:50 Linda McCulloch, Secretary of State

**Questions from Committee Members and Responses:**

01:37:04 Rep. Dunwell  
 01:38:17 Cathy Duncan, LFD  
 01:38:24 Chairman White  
 01:38:32 Cathy Duncan, LFD  
 01:38:49 Rep. Dunwell  
 01:39:10 Dan Villa, Office of the Governor  
 01:40:39 Chairman White  
 01:41:13 Sen. Ripley  
 01:41:50 Rep. Olsen  
 01:42:18 Rep. Regier  
 01:42:47 Sen. Ripley  
 01:43:14 Rep. McConnell  
 01:44:09 Dan Villa, Office of the Governor  
 01:46:18 Rep. Williams  
 01:47:02 Sen. Ripley  
 01:47:25 Rep. Williams  
 01:48:04 Sen. Ripley  
 01:48:39 Rep. Dunwell  
 01:49:22 Rep. Regier left  
 01:49:25 Sen. Ripley  
 01:50:02 Rep. Olsen  
 01:50:49 Sen. Ripley  
 01:51:25 Chairman White  
 01:53:05 Rep. McConnell  
 01:53:40 Dan Villa, Office of the Governor  
 01:55:33 Rep. Flynn  
 01:56:09 Sen. Ripley

**Closing by Sponsor:**

01:58:01 Sen. Ripley

**HEARING ON SB 354**

**Opening Statement by Sponsor:**

02:00:18 Sen. Rick Ripley (R), SD 10, opened the hearing on SB 354, Create infrastructure funding program.

**EXHIBIT(nah68a07)**

**Proponents' Testimony:**

02:00:37 Steve Wade, Montana Contractors Association  
 02:01:30 Riley Johnson, National Federation of Independent Business  
 02:01:56 Glenn Oppel, Montana Chamber of Commerce  
 02:02:06 Darryl James, Montana Chapters of the American Institute of Architects,  
 American Society of Civil Engineers, Montana Society of Engineers  
 02:02:24 Mark Lambrecht, Treasure State Resource Industry Association  
 02:02:33 Jay Skoog, American Council of Engineering Companies of Montana

**Opponents' Testimony:**

02:02:54 Hal Harper, self

**EXHIBIT(nah68a08)**

02:10:29 Vernar Bertelson, self

**Informational Testimony:**

02:10:51 Cathy Duncan, Legislative Fiscal Division (LFD)

**Questions from Committee Members and Responses:**

02:11:12 Rep. Staffanson  
 02:11:51 Cathy Duncan, LFD  
 02:12:49 Rep. Staffanson  
 02:13:11 Cathy Duncan, LFD  
 02:13:57 Rep. Staffanson  
 02:14:32 Cathy Duncan, LFC  
 02:14:35 Rep. Staffanson  
 02:14:46 Cathy Duncan, LFC  
 02:15:02 Rep. Staffanson  
 02:15:36 Cathy Duncan, LFC  
 02:16:01 Rep. Staffanson  
 02:16:20 Cathy Duncan, LFC  
 02:16:45 Rep. STaffanson  
 02:16:52 Cathy Duncan, LFD  
 02:16:59 Rep. Staffanson  
 02:17:11 Cathy Duncan, LFD  
 02:17:36 Rep. Flynn  
 02:18:14 Sen. Ripley  
 02:19:17 Rep. McConnell  
 02:19:39 Sen. Ripley

**Closing by Sponsor:**

02:20:33 Sen. Ripley

02:20:26 Chairman White  
 02:22:56 Joe Kolman, Legislative Services Division (LSD)  
 02:23:04 Chairman White  
 02:23:10 Rep. Flynn  
 02:23:27 Chairman White  
 02:24:29 Rep. Shaw  
 02:25:26 Chairman White  
 02:26:19 Rep. Lieser  
 02:26:50 Rep. Regier returned

**EXECUTIVE ACTION ON SB 47**

02:27:31 **Motion:** Rep. Jerry Bennett moved that **SB 47 BE CONCURRED IN.**

**Discussion:**

02:27:53 Rep. Lieser  
 02:28:29 Chairman White  
 02:28:51 Joe Kolman, LSD  
 02:28:59 Rep. Bob Brown  
 02:29:34 Chairman White  
 02:30:02 Rep. Flynn  
 02:30:43 Rep. Shaw  
 02:31:18 Rep. Regier  
 02:31:40 Rep. Williams  
 02:32:18 Rep. Staffanson  
 02:32:27 Rep. Court

02:33:31 **Vote:** Motion carried 11-7 by roll call vote with Rep. Bob Brown, Rep. Fitzpatrick, Rep. Manzella, Rep. Noland, Rep. Regier, Rep. Staffanson and Rep. White voting no. Rep. Zach Brown and Rep. Fitzpatrick voted by proxy. Rep. Shaw will carry the bill. (Carrier was changed to Rep. Flynn per Chairman White on 4/9/2015)

**EXECUTIVE ACTION ON SB 329**

02:35:37 **Motion:** Rep. Jerry Bennett moved that **SB 329 BE CONCURRED IN.**

**Discussion:**

02:36:05 Joe Kolman, LSD

02:36:17 **Motion:** Rep. Jerry Bennett moved that **SB 329 BE AMENDED.**

[EXHIBIT\(nah68a09\)](#)

**Discussion:**

02:36:44 Joe Kolman, LSD  
 02:37:27 Rep. Flynn  
 02:37:41 Shawn Thomas, Department of Natural Resources and Conservation (DNRC)

02:38:04     **Vote:** Motion carried unanimously by voice vote. Rep. Zach Brown and Rep. Fitzpatrick voted by proxy.

02:38:33     **Motion:** Rep. Jerry Bennett moved that **SB 329 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:38:45     Rep. Olsen

02:39:29     Al Smith, American Civil Liberties Union (ACLU)

02:42:44     Chairman White

02:42:46     Rep. Olsen

02:43:34     **Vote:** Motion failed 7-11 by roll call vote with Rep. Zach Brown, Rep. Dunwell, Rep. Fitzpatrick, Rep. Lieser, Rep. Mortensen, Rep. Noland and Rep. Shaw voting aye. Rep. Zach Brown and Rep. Fitzpatrick voted by proxy.

02:45:12     **Motion/Vote:** Rep. Lieser moved that **SB 329 BE TABLED.** Motion carried unanimously by voice vote. Rep. Zach Brown and Rep. Fitzpatrick voted by proxy.

**ADJOURNMENT**

02:45:59      Adjournment:

---

Sherri Row, Secretary

sr

Additional Documents:

**EXHIBIT**([nah68aad.pdf](#))